UNITED STATES PATENT AND TRADEMARK OFFICE

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10/573,031	01/30/2007	Mike Soumokil	07781.0271-00	4433

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EXAMINER
ANDERSON, JOHN A

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3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/573,031	SOUMOKIL, MIKE
	Examiner	**Art Unit**	
	JOHN A. ANDERSON	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2007*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-55* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *30-55* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Status of claims

1.   This action is in response to the application filed 01/30/2007. Claims 30-54 are
pending and are examined.

Information Disclosure Statement

2.   The information disclosure statement dated 03/22/2006 has been considered.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

4.   Claims 30-54 are rejected under 35 U.S.C. §101 because the claimed invention
is directed to non-statutory subject matter.
Based on Supreme Court precedent (Diamond v. Diehr, 450 U.S. 175, 184
(1981); Parker v. Flook, 437 U.S. 584,588 n.9 (1978); Gottschalk v. Benson, 409
U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) and recent
Federal Circuit decisions, §101 process must (1) be tied to another statutory
class (such as a particular machine) or (2) transform underlying subject matter
(such as an article or materials) to a different state or thing (the Supreme Court
recognized that this test is not necessarily fixed or permanent and may evolve
with technological advances. Gottschalk v. Benson, 409 U.S. 63, 71 (1972)).

If neither of these requirements is met by the claim(s), the method is not a patent
eligible process under 35 U.S.C. §101.

In this particular case, regarding the first test, in performing the steps of the
claimed subject matter, there is no requirement that a machine be used, thus the
claims are not considered sufficiently tied to another statutory class. Regarding

the second test, since the claimed subject matter may be performed using only human intelligence, the steps do not sufficiently transform the underlying subject matter to be statutory. Thus, to qualify as a 101 statutory method, the claim should positively recite a particular machine to which it is tied and sufficiently transform the underlying subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

7   Claims 30-31 and 36-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinkle et. al. United States Patent I/o. 7,254,558 in view of view of Special Edition, Using Microsoft Excel 97, Bestseller Edition by Bruce Hal/berg, Sherry Kinkoph; Bill Ray, - et al., October 1997 (Excel97) in further view of Baker et al. US Patent 11o. 6,989,820.

8.   As regards claims 30,54 and 55, Hinkle discloses a method for computerized

processing of invoices, which a company has presented to two or more
customers, comprising (Hinkle, col. 13 lines 34-39; col. 4 lines 49-63; Fig. 4
elements 120 and 122; Figs. 3-5):
Hinkle discloses all the elements of the claimed invention but does not explicitly
disclose assigning a second state to said selected invoices and using at least
one of the first state and the second state to control processing of the invoices.

Hinkle discloses all the elements of the claimed invention but does not explicitly
disclose selecting invoices that are due within a preselectable time or on a
preselectable date to which a first state is assigned;
Excel97 discloses an AutoFilter function that allows application of multiple filters
to a designated pool of information (Excel97, see, Figs. 14.7-14.9). Therefore it
would have been obvious to one skilled in the art at the time of the invention to
modify Hinkle with
Excel97 such that the selecting step includes filters for further narrowing the
selected invoices to invoices that are due within a preselectable time or on a
preselectable date because it would provide a more efficient means of managing
large volumes of data without compromising efficiency.
Hinkle and Excel97 disclose all the elements of the claimed invention but do not
explicitly disclose assigning a second state to said selected invoices and using at
least one of the first state and the second state to control processing of the
invoices.
Baker discloses assigning a second state to said selected invoices and using at
least one of the first state and the second state to control processing of the
invoices.
(Baker, col. 3 lines 51-60; col. 4 lines 44-47; col. 5 lines 24-59; col. 6 lines 12-23;
see also Fig. 4, line 46 through col. 7 line 33; col. 10 lines 41-65; Figs. 5, 6A-B).
Therefore it would have been obvious to one skilled in the art at the time of the
invention to modify Hinkle and Excel97 with Baker such that it would more
accurately track collection activity based on the target invoice parameters
thereby facilitating optimal resource utilization and efficiency in processing
invoices.

9.   As regards claim 31, Hinkle discloses the method of claim 30, further comprising:
        selecting, from said plurality of invoices, invoices which meet the additional
        condition that the respective balance is larger than a preselectable first
        value.[Hinkle, col 4 lines 49-63; Fig 4 elements 120 and 122]

10.   As regards claim 36 , Hinkle discloses the method of claim 31, further

comprising: selecting, from said plurality of invoices, second invoices, the balance of which is smaller than a preselectable second value and larger than a preselectable third value; and assigning a third state to the second invoices, the second value being smaller or equal than the first value and the third value being smaller than the second value.(Baker, col. 3 lines 51-60; col. 4 lines 44-47; col. 5 lines 24-59; col. 6 lines 12-23; see also Fig. 4, line 46 through col. 7 line 33; col. 10 lines 41-65; Figs. 5, 6A-B; Hinkle, Abstract, col. 3 line 27-54; col. 4 lines 35-56; Fig. 4 element 118; Fig. 5; see also Fig. 3 element 70- see claim 1 for rationale for combination); but do not explicitly disclose selecting, from the plurality of invoices, invoices having a balance that is smaller than a preselectable second value and larger than a preselectable third value; and wherein the second value is smaller than or equal to the first value and the third value is smaller than the second value. RtOff2 discloses selecting from the plurality of invoices, invoices having a balance smaller than a preselectable second value and larger than a preselectable third value, wherein the second value is smaller than or equal to the first value and the third value is smaller than the second value (RtOff2, pgs. 2-3).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hinkle Baker and Excel97 with RtOff2 such that the filters are set at certain values such that the automated invoice processing is further limited to the specific information desired by the user, thereby providing results in a more time- efficient manner.

11.   As regards claim 37, Hinkle discloses the method of claim 36, wherein the third state is a state of medium priority. (Hinkle, col. 1 line 27-40).

12.   As regards claim 38, Hinkle discloses the method of claim 36, further comprising: selecting, from said second invoices, third invoices, the balance of which is smaller than the third value; and assigning a fourth state to the third invoices.[same as claims 30 and 36]

13.   As regards claim 39, Hinkle discloses the method of claim 38, wherein the fourth state is a state of low priority. (Hinkle, col. 1 line 27-40).

14.   As regards claim 40, Hinkle discloses The method of claim 31, wherein the preselectable first value is such that a preselectable percentage of the outstanding active debts or turnover of the company is controlled. (Hinkle,

Abstract; col. 1 line 28-35; col. 2 lines 20-28; Fig. 1; Fig. 4 element 114 and Fig.
5; col. 4 lines 45-50).

15.   As regards claim 41, Hinkle discloses The method of claim 38, further
        comprising: presenting the invoices of at least one of the first state, the second
        state, the third state, and the fourth state to a cash collector. (Hinkle, col. 4 line
        45 through col. 5 line 5; Fig. 4 elements 116 and 126, 132; Baker, col. 3 lines 51-
        60; col. 4 lines 44-47; col. 5 lines 24-59; col. 6 lines 12-23; see also Fig. 4, line
        46 through col. 7 line 33; col. 10 lines 41-65; Figs. 5, 6A-B).

16.   As regards claim 42, Hinkle discloses The method of claim 41, further
        comprising: presenting the invoices having a first or second state at the latest of
        a presetable first period of time before the due date to the cash collector.
        (Hinkle, col. 4 line 45 through col. 5 line 5; Fig. 4 elements 116 and 126, 132;
        Excel97, see, Figs. 14.7- 14.9).

17.   As regards claim 43, Hinkle discloses The method of claim 41, further
        comprising: presenting the invoices having the third state at the latest of a
        presetable second period of time before the due date to the cash collector.
        (Hinkle, col. 4 line 45 through col. 5 line 5; Fig. 4 elements 116 and 126, 132).

18.   As regards claim 44, Hinkle discloses The method of claim 38, further
        comprising: presenting the invoices having the fourth state at the latest of a
        presetable third period of time before the due date to a cash collector. (col. 4 line
        45 through col. 5 line 5; Fig. 4 elements 116 and 126, 132).

19.   As regards claim 45, Hinkle discloses The method claim 41, further comprising:
        controlling, by said cash collector, whether payments according to the invoices of
        at least one of the first state and the second state have been made before, on, or
        after the due date, and, in case of a non-payment, presenting the non-payment
        invoices to a collecting service. (col. 4 line 35 through col. 5 line 6-30;-Fig. 4
        elements 116 and 126, 132).

20.   As regards claim 46, Hinkle discloses (New) The method of claim 44, wherein:
        the second period of time is smaller than the first period of time; and the third
        period of time is smaller than the second period of time. (Hinkle col. 4 lines 47-49
        where the second period would be in between these limits; Excel97, see, Figs.
        14.7-14.9).

21.   As regards claim 47, Hinkle discloses The method of claim 38, further comprising
        dunning the customers of the accompanying due invoices. (Hinkle, see Fig. 4
        element 118 and 126; col. 4 line 35-63;Fig. 5, element 160; line 25-30).

22.   As regards claim 48 Hinkle discloses The method of claim 45, wherein the
        collection service is a collection division of the company or an external collecting
        agency.
        Hinkle discloses collector (which could also be a division of the company or an
        external collecting agency) receiving a prompt prior to engaging in collection
        activity (Hinkle, see Fig. 5 element 158).

23.   As regards claim 49, Hinkle discloses The method of claim 45, further comprising
        checking whether a non-payment is reasoned, and if the non-payment is not
        reasoned, presenting such non-payment invoice to an external collecting agency.
        (Hinkle, see col. 4 lines 35 through col. 5 lines 30;Fig. 4 element 126 -
        nonpayment is grounds for sending invoice/account to collection).

24.   As regards claim 50, Hinkle discloses The method of claim 45, further comprising
        presenting the non\- payment invoices to the collecting service as a to-do-list.
        (Hinkle, see col. 2 lines 8-19- to-do list allows prioritizing collection of
        accounts/invoices; Baker, col. 6 lines 1-5).

25.   As regards claim 51, Hinkle discloses The method of claim 30, further
        comprising: receiving a request for a state change of an invoice from a customer;
        and changing the state of the invoice according to said request.
        Baker, col. 3 lines 51-60; col. 4 lines 44-47; col. 5 lines 24-59; col. 6 lines 12-23;
        line 46 through col. 7 line 33; col. 10 lines 41-65; Figs. 5, 6A-B; Hinkle, see col. 6
        lines 10-20; Fig. 7 elements 180 & 184).

26.   As regards claim 52, Hinkle discloses The method of claim 51, further comprising
        presenting the request to an internal clearing division before changing the state.
        (Hinkle, col. 5 line 15-30; see Fig. 5 element 158)

27.   As regards claim 53, Hinkle discloses The method of claim 30, wherein the
        method is implemented as part of software for supporting business processes,
        the software comprising enterprise resource planning software. (Hinkle, see col.
        13 lines 34-38 for software program on a computer- readable program).

28.   Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over
        Hinkle et. al. United States Patent No. 7,254,558 in view of view of Special
        Edition, Using Microsoft Excel 97, Bestseller Edition by Bruce Hal/berg, Sherry
        Kinkoph; Bill Ray, - et al., October 1997 (Excel97) in further view of Baker et al.
        US Patent No. 6,989,820 and further in view of Underwood R.A. (Patent
        6,718,535)

29.   As regards claim 32, Hinkle does not disclose New The method of claim 30,
        further comprising: representing at least one of said first and second state by an
        entry into a data field of a data record comprising data of a respective invoice.
        Underwood discloses representing at least one of said first and second state by
        an entry into a data field of a data record comprising data of a respective

        invoice.[col 270 line 27-33]
        It would have been obvious for a person of ordinary skill in the art at the time of
        the invention was made to use Underwood in the device of Hinkle. The
        motivation would have been to use current commonly used computer models
        such as access..

30.   As regards claim 33, Hinkle does not discloses (New) The method of claim 30,
        comprising: representing said first and second state by a first and second set of
        characters entered into one data field of a data record comprising data of the
        respective invoice.
        Underwood discloses representing said first and second state by a first and
        second set of characters entered into one data field of a data record comprising

data of the respective invoice..[col 270 line 27-33]
It would have been obvious for a person of ordinary skill in the art at the time of
the invention was made to use Underwood in the device of Hinkle. The
motivation would have been to use current commonly used computer models
such as access..

31.   As regards claim 34, Hinkle does not disclose (New) The method of claim 30,
        wherein one or more of the plurality of invoices are invoices of special
        importance.

        Underwood discloses wherein one or more of the plurality of invoices are
        invoices of special importance.[col 216 Fig 82]
        It would have been obvious for a person of ordinary skill in the art at the time of
        the invention was made to use Underwood in the device of Hinkle. The
        motivation would have been to use current commonly used computer techniques
        such as tagging.

32.   As regards claim 35, Hinkle does not disclose (New) The method of claim 30,
        wherein said first and second states represent states of high priority.

        Underwood discloses the method of claim 30, wherein said first and second
        states represent states of high priority. .[col 216 Fig 82]

        It would have been obvious for a person of ordinary skill in the art at the time of
        the invention was made to use Underwood in the device of Hinkle. The
        motivation would have been to use current commonly used computer techniques
        such as tagging.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOHN A. ANDERSON whose telephone number

is (571)270-3327. The examiner can normally be reached on Monday through

Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 571-272-6712. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

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Representative or access to the automated information system, call 800-786-

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/John A Anderson/   John A Anderson
Examiner, Art Unit 3694   Examiner
                                                                            Art Unit 3694

/J. A. A./
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